TRANSMITTAL LETTER (General - Patent Pending)	Docket No. POU920000020US1

In Re Application Of: **Uceda-Sosa, et al.**

Application No. 09/583,694	Filing Date 05/31/2000	Examiner Young N. Won	Customer No. 23405	Group Art Unit 2155	Confirmation No. 4786

Title: **METHOD, SYSTEM AND PROGRAM PRODUCTS FOR AUTOMATICALLY CONNECTING A CLIENT TO A SERVER OF A REPLICATED GROUP OF SERVERS**

COMMISSIONER FOR PATENTS:

Transmitted herewith is: **Appellant's Reply Brief (4 pgs.) (in triplicate).**

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in the above identified application.

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Dated: July 29 , 2004

CC:

P16A/REV02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Uceda-Sosa et al.

Serial No.: 09/583,694

Filed: 05/31/00

Group Art Unit: 2155

Examiner: Young N. Won

Appeal No.:

For: METHOD, SYSTEM AND PROGRAM PRODUCTS FOR
       AUTOMATICALLY CONNECTING A CLIENT TO A
       SERVER OF A REPLICATED GROUP OF SERVERS

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Date of Signature: July 29, 2004

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Appellants' Reply Brief

Dear Sir:

This Reply Brief is being timely filed in triplicate pursuant to 37 C.F.R. §1.193(b) in
rebuttal to certain characterizations and conclusions set forth in the Examiner's Answer mailed
June 1, 2004, for the above-designated Appeal.

Remarks

Appellants respectfully traverse the conclusions at pages 9 & 10 of the Examiner's Answer.

With respect to the claim language "directly connecting, by the client, the client to another replicated server of the group..." Appellants submit that the exact language of a claim need not be repeated in the specification for one of ordinary skill in the art to be able to understand the scope of the claim. This position is well supported by case law. For example, reference Purdue Pharma L.P. v. Faulding, Inc., 230 F.3d 1320, 1323 (C.A. Fed.; 2000); All Dental Prodx. LLC v. Advantage Dental Products, Inc., 309 F.3d 774, 779 (C.A. Fed.; 2002); and Tulip Computers Intern. B.V. v. Dell Computer Corp., 2002 WL 31870574 p. 2 (D. Delaware; 2002).

In Appellants' invention, functionality is provided for directly connecting, by the client, the client to another replicated server of a group of replicated servers. This directly connecting means that there are no intermediaries between the client and the server performing the connecting, but rather the client itself does the connecting. Appellants respectfully submit that one of ordinary skill in the art would understand this meaning of "directly connecting, by the client, the client to another replicated server of the group." Further, Appellants respectfully submit that the embodiments described in the specification support such an understanding.

In this regard, Appellants believe that the Examiner's Answer at page 9 misconstrues the teachings of the present application. The "request broker" coupled to or located within the client library in the embodiment of FIG. 8 discussed at page 16 of the specification is the client request broker discussed subsequently in the application. This "client request broker" comprises part of the client, being the client's communications interface. Similarly, the "server request broker" comprises part of the server and is the server's communications interface.
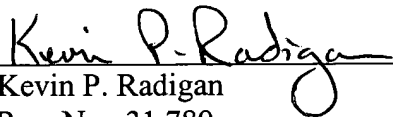
By way of example, at page 18, lines 8 & 9, the specification states "In one example, both the client and server have respective request brokers." The functionality recited in the independent claims on appeal assumes that the client request broker is part of the client, and that the server request broker is part of the server. In one aspect, Appellants have integrated the client request broker into the client process, and have integrated the server request broker into the server process. No similar environment is presented by the applied art.

Within this environment, Appellants recite certain processing intelligence/functionality which allows for the direct connecting, by the client, of the client to another replicated server of the group <u>when</u> the client determines that a server coupled to the client is unavailable to process requests for the client, and wherein servers of the group of the plurality of replicated servers lack knowledge of application-level information of a communication session of the client. In Appellants' invention, the processing intelligence/functionality resides within the client itself to allow for the monitoring of the connection with the server, determining that a server is unavailable to process requests, and rerouting the connection of the client to a different replicated server of the group of replicated servers. "Directly connecting" means that there is not an external entity, as in the case of the applied art, controlling or facilitating rerouting of the client to a different server.

In evaluating claimed subject matter as a whole, the Federal Circuit has mandated that functional claim language be considered in evaluating a claim relative to the prior art. Appellants respectfully submit that the application of this standard to their independent claims leads to the conclusion that their recited subject matter would not have been obvious to one of ordinary skill in the art based on the teachings of Ben-Shachar et al. in view of White et al.

For the above-stated reasons, as well as for those set forth in the Appeal Brief, Appellants respectfully request reversal of all rejections.

Respectfully submitted,

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Dated: July 29, 2004

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